

September 11, 2008

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C., 20554

RE: WT DOCKET NO. 08-165

PUBLIC COMMENT ON PETITION BY CTIA-THE WIRELESS ASSOCIATION FOR
DECLARATORY RULING TO CLARIFY PROVISIONS OF SECTION 332 (C)(7)(B) TO
ENSURE TIMELY SITING REVIEW AND TO PREEMPT UNDER SECTION 253 STATE
AND LOCAL ORDINANCES THAT CLASSIFY ALL WIRELESS SITING PROPOSALS
AS REQUIRING VARIANCE

September 15, 2008: Comment Due Date

September 30, 2008: Reply Due Date

August 22, 2008: Motion Filed by Montgomery County, Maryland, et al, to extend the above
deadlines.

Dear Ms. Dortch:

I am writing to express my concerns regarding changes to the current method for obtaining
approval for cell tower, relay stations etc. installations.

Most recently, my small unincorporated town of Kensington, (near Berkeley /Albany / El
Cerrito) successfully fought off installation of a relay station that would have been mere feet
from apartment residences, directly across the street from store owners, a nursery school,
shoppers and densely packed homes within a few miles of the proposed site. The main
motivation for the cell phone firm's selection of this site was to avoid the restrictive
ordinances that exist in the adjacent towns; Kensington has no ordinance since it is
unincorporated. The building owner would have received remuneration, his main motivation
to agree. Our municipal advisory council, taking all the information into consideration, and
in keeping with the Contra Costa County ordinance voted it down, and the county supported
us. The cell company exaggerated claims that there was a need, had (documented) incorrect
maps of coverage and was essentially bullying their way in to the area. The residents did not
care if cell coverage was imperfect in some areas; their concerns about views, health, property
values overrode that issue overwhelmingly by their attendance at hearings, petitions etc. The
business owner (insurance agency) who was going to have it installed on his apartment /office
building got heaps of acrimonious and vociferous comments from his neighbors, potential
and current customers and pitted him against the neighborhood.

This was a perfect example of the KMAC and county protecting the residents' property values, aesthetics, and rising health concerns, which have only gotten more play in recent months. Business owners near the proposed installation were told by customers they would not go to the area. Homeowners learned that property values would suffer in this very health conscious area, and the county would most certainly have been affected tax-wise in this area of \$500K plus homes.

We live here! We pay taxes, we have laws we observe, we have rights as property owners, citizens, and residents of the area to protect our major investment, our health, our environment and to manage our needs through self-governance. If this is approved, who will protect our rights? The needs of big business and the telco industry must not outweigh the needs of the community. They should not be able to pre-empt our ordinances and hijack the process. Who will monitor the size and scope of these powerful antennas? Right now, as an example of this, T-Mobile slipped in powerful new 3rd generation equipment (Richmond, CA), which was installed on a private homeowner's property forcing nearby residents to move...and created much tension in the neighborhood. No one is minding the store there.

The public is becoming more aware of the potential health issues and the Bioinitiative Report clearly points out that the research is moving in the direction of more health problems from long-term overexposure.

In conclusion, now is the time for the FCC to be an "agent of positive change", to protect the American public preventatively, not after towers are installed everywhere and are found to be deleterious to our health. When the original telco law was passed in the 90's, we did not have information on health hazards, we did not have long-term studies; but, we are moving in that direction and the government needs to catch up and be proactive.

Sincerely,

Marilyn Stollon
John Gaccione
12 Eldridge Court
Kensington, CA 94707

Cc: Sen. Diane Feinstein, Barbara Boxer, Sen. Perata